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Newark / Philadelphia

December 15, 2023

Via ECF

Hon. André M. Espinosa, U.S.M.J.
U.S. District Court District of New Jersey
Martin Luther King, Jr. Courthouse
50 Market Street
Newark, NJ 07101

**Re: *Duncan v. City of Paterson, et al*
Civil Action No. 20-8471**

Dear Judge Espinosa:

This office represents the City of Paterson (the “City”) in the above captioned matter. Pursuant to Your Honor’s September 14, 2023 Order, a telephonic case management conference is currently scheduled in this matter for next Wednesday, December 20th at 10:30 a.m. Please accept this letter as a joint status update in furtherance of said conference.

The parties last appeared before Your Honor during our telephonic conference on September 13, 2023. Since our last status conference, on October 2, 2023, the Defendants conducted the deposition of Ms. Shaquana Duncan, the representative for Plaintiff’s estate. With the completion of Ms. Duncan’s deposition, fact discovery is now complete.

Pursuant to Your Honor’s June 12th Scheduling Order, Plaintiff has served all of her expert reports by Plaintiff’s November 8, 2023 expert reporting deadline, consisting of reports prepared by Sobel Tinari, Dr. Christopher Chapman, and Dr. Michael Baden. The City has retained experts to produce responsive reports to Plaintiff’s reports.

Per Your Honor’s June 12, 2023 Scheduling Order, Defendants’ responsive expert reports are to be delivered by December 22, 2023, and expert witness depositions are to be completed by January 22, 2024. The City, in consultation with its experts, wishes to alert the Court that it



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requires additional time to complete and serve its expert reports. Based on these conversations, the City is confident it can have these reports served by February 16, 2024. Defendants have been diligently working with its experts to comply with the Court's deadlines, but the expert witnesses require additional time to gather and analyze both the extensive information in this matter, as well as to evaluate the extensive Plaintiff reports.

As such, Defendants respectfully request an adjustment to the Scheduling Order setting forth that Defendants' responsive expert reports be due February 16, 2024 and that expert depositions be completed by March 15, 2024. This adjustment to the Court's current Scheduling Order will afford the parties the opportunity to fully complete the record in this matter.

Plaintiff objects to Defendants' current request to extend its expert reporting deadline and contends that Defendants have not demonstrated extraordinary circumstances required in seeking further discovery extensions. Plaintiff notes that Defendant, City has missed each and every discovery deadline initially set and numerous extensions granted to it in this case that continues to cause unnecessary delay.

Should Your Honor require additional submissions, please have chambers contact the parties. We appreciate Your Honor's time and attention to this matter.

Respectfully requested,

/s/ Nicholas R. McClelland

Nicholas R. McClelland

NRM:cd

cc: Counsel of Record (via ECF)